

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Delaware

Forest Laboratories, Inc., Forest  
Laboratories Holdings, Ltd., Merz Pharma  
GmbH & Co. KGaA and Merz Pharmaceuticals  
GmbH, Plaintiffs,

SUMMONS IN A CIVIL CASE

V.  
Orgenus Pharma Inc.,

Defendant.

CASE NUMBER:

- 08 - 291 -

TO: (Name and address of Defendant)  
Orgenus Pharma Inc.  
c/o Delaware Secretary of State  
Division of Corporations  
John G. Townsend Building  
401 Federal Street - Suite 4  
Dover, DE 19901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)  
Maryellen Noreika  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

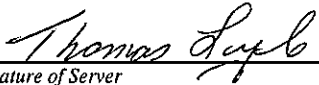
CLERK

DATE

5/19/08

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE May 19, 2008	
NAME OF SERVER (PRINT) THOMAS LYLE	TITLE Messenger	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input checked="" type="checkbox"/> Other (specify): By hand delivering a copy of the summons and complaint to Orgenus Pharma Inc., c/o State of Delaware - Secretary of State Division of Corporations, John G. Townsend Building, 401 Federal Street - Suite 4, Dover, DE 19901 pursuant to 10 Del. C. § 3104		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>5/19/08</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 65%;"> <p style="text-align: center;"></p> <p style="text-align: center; font-size: small;">Signature of Server</p> <p style="text-align: center;">800 King Street</p> <p style="text-align: center;">Suite 102</p> <p style="text-align: center;">Wilmington, DE 19801</p> <p style="text-align: center; font-size: small;">Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.